

## United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	TION NO. FILING DATE FIRST NAMED INVENTOR		ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/677,318	10/03/2003	Medhat A. Toukhy	2003US310	9492	
26289	7590 07/12/2006	EXAMINER			
	ONIC MATERIALS US : INDUSTRIAL PROPERT	SCHILLING,	SCHILLING, RICHARD L		
70 MEISTER		ART UNIT	PAPER NUMBER		
SOMERVILLE, NJ 08876			1752		
		DATE MAILED: 07/12/2006			

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No.    10/677,318									
Examiner Richard L. Schilling Art Unit 1752  - The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION Extensions of lines may be available under the provisions of 37 CFR 1.136(a), In no event, however, may a raphy be timely filled shee 31K (9) MONTHS from the mailing date of this communication If NO period for regly is appelled above, the maximum statulory particle was apply and will eagins 3K (9) MONTHS from the mailing date of the communication If NO period for regly is appelled above, the maximum statulory particle was apply and will eagins 3K (9) MONTHS from the mailing date of the communication and the specification became ADMONDHS (5) \$1.35. (3) 13.01 Any reply recented by the Office liter than three manning date of these communication, even if timely filled, may reduce any examined patient term adjustment. See 37 CFR 1.704(b).  Status  1) □ Responsive to communication(s) filled on 25 Mey 2006. 2a □ This action is FINAL. 2b □ This action is non-final.  3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) □ Claim(s) 1-46 is/are pending in the application. 4a) Of the above claim(s) 16-31 and 38-46 is/are withdrawn from consideration.  5) □ Claim(s) is/are allowed.  6) □ Claim(s) is/are allowed.  6) □ Claim(s) is/are allowed.  7) □ Claim(s) is/are objected to.  8) □ The specification is objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) □ The eath or declaration is objected to by the Examiner.  Note			Application I	No.	Applicant(s)	<u> </u>			
Richard L. Schilling   1752    The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Eatherises of time may be available under the provision of 37 CF1 1360, Inno event, however, may a retyly be limbly filed in the communication of 37 CF1 1360, inno event, however, may a retyly be limbly filed in the communication of 37 CF1 1360, inno event, however, may a retyly be limbly filed in the communication of 37 CF1 1360, inno event, however, may a retyly be limbly filed in the communication of 37 CF1 1360, inno event, however, may a retyly be limbly filed in the communication of 37 CF1 1360, inno event foreward, may a retyle of the sommunication.  Failure for reply will, the set of certain the communication of 37 CF1 1360, inno event developed by the filed of the communication.  Failure for reply will, the set of certain the mailure date of the communication, even it timely filed, may reduce any sented period for retyl by a filed in a communication, even it timely filed, may reduce any sented period for retyl by a filed in a communication, even it timely filed, may reduce any sented period for retyl by a filed of the communication, even it timely filed, may reduce any sented period for retyle yield, and the communication is provided to a communication of the communication is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Exparte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-46 is/are pending in the application, allowance except for formal matters, prosecution as to the merits is closed in a sent and the merits is exparted filed the communication of the merits is closed in accordance with the practice of the accordance and the provided period the com			10/677,318		TOUKHY ET AL.				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address = Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the provisions of 37 CFR 1.136(§). In or event, however, may reply be linkery life of ster SIX (§) MONTHS from the mailing date of this communication.  If NO period for reply is specified above, the macenizine statioty period will apply and will apply to SIX (§) MONTHS from the mailing date of this communication.  Any reply received by the Office later than three months after the mailing date of this communication, even if finely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(s).  Status  1) ☑ Responsive to communication(s) filed on 25 May 2006.  2a) ☑ This action is FINAL.  2b) ☑ This action is FINAL.  2b) ☑ This action is reply active the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) ☑ Claim(s) 1-46 is/are pending in the application.  4a) Of the above claim(s) 16-31 and 38-46 is/are withdrawn from consideration.  5) ☑ Claim(s) 1-46 is/are pending in the application.  4a) Of the above claim(s) 16-31 and 38-46 is/are withdrawn from consideration.  5) ☑ Claim(s) is/are allowed.  6) ☑ Claim(s) is/are allowed.  7) ☑ Claim(s) is/are allowed.  8) ☑ The specification is objected to by the Examiner.  Application Papers  9) ☐ The specification is objected to by the Examiner.  Application Papers  9) ☐ The order of eclaration is objected to by the Examiner.  Application Papers  9) ☐ The order of eclaration is objected to by the Examiner.  Application Papers  9) ☐ The order of eclaration is objected to by the Examiner.  Application Papers  9) ☐ The order of eclaration is objected to by the Examiner.  Application Papers  9) ☐ The order of eclaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.		Office Action Summary	Examiner		Art Unit				
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the provisions of 37 CFR 1.13(s). Inno event, however, may a reply be linely filled after Six (6) MONTHS from the mailing date of the communication.  If the period for reply is specified shore, included the provisions of 37 CFR 1.13(s). Inno event, however, may a reply be linely filled after Six (6) MONTHS from the mailing date of the mailing date of the period for reply is specified shore, included and supply and will spige Six (6) MONTHS from the mailing date of this communication.  If the period for reply is specified shore, included and the mailing date of this communication, the period of t			Richard L. Sc	hilling	1752				
WHICHEVER IS LONGER, FROM THE MALLING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the provision of 37 CFR 1.13(8). In no event, however, may a reply be timely filed after 51 (c) MONTHS from the mailing date of this communication.  If NO period for raply is specified above, the mailing date of this communication.  For period to reply is the mailing date of this communication.  If NO period for raply is a position to raply with by statuta, cause the application to become ABANDONED (58 LSC. § 13).  Provided the provided the provided above, the mailing date of this communication, even if simply filed, may reduce any example patient term adjustment. See 37 CFR 1.704(b).  Status  1) □ Responsive to communication(s) filed on 25 May 2006.  2a) □ This action is FINAL.  2b) □ This action is non-final.  3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) □ Claim(s) 1.46 is/are pending in the application.  4a) Of the above claim(s) 16-31 and 38-46 is/are withdrawn from consideration.  5) □ Claim(s) 1.15 and 32-37 is/are rejected.  7) □ Claim(s) 1.15 and 32-37 is/are rejected.  7) □ Claim(s) 1.15 and 32-37 is/are rejected.  Application Papers  9) □ The precification is objected to by the Examiner.  10) □ The drawing(s) filed on 1 is/are: a) □ accepted or b) □ objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11 □ The order order are subjected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12 □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  3) □ All b) □ Some * c) □ None of:  1 □ Certified copies of the priorit			on appears on the co	ver sheet with the c	orrespondence ac	ldress			
1)⊠ Responsive to communication(s) filed on 25 May 2006.  2a)□ This action is FINAL. 2b)⊠ This action is non-final.  3)□ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)☑ Claim(s) 1-46 is/are pending in the application.  4a) Of the above claim(s) 16-31 and 38-46 is/are withdrawn from consideration.  5)□ Claim(s) is/are allowed.  6)☑ Claim(s) is/are allowed.  6)☑ Claim(s) is/are objected to.  8)□ Claim(s) are subject to restriction and/or election requirement.  Application Papers  9)□ The specification is objected to by the Examiner.  10)□ The drawing(s) filed on is/are: a)□ accepted or b)□ objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11)□ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12)□ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a)□ All b)□ Some * c)□ None of:  1.□ Certified copies of the priority documents have been received in Application No  3.□ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.	WHIC - Exter after - If NC - Failu Any	CHEVER IS LONGER, FROM THE MAIL nsions of time may be available under the provisions of 37 SIX (6) MONTHS from the mailing date of this communical period for reply is specified above, the maximum statutor re to reply within the set or extended period for reply will, be reply received by the Office later than three months after the	NG DATE OF THIS CFR 1.136(a). In no event, I tion. y period will apply and will ex by statute, cause the applicati	COMMUNICATION nowever, may a repty be timpire SIX (6) MONTHS from on to become ABANDONE	N. nety filed the mailing date of this c D (35 U.S.C. § 133).				
2a)  This action is FINAL. 2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-46 is/are pending in the application.  4a) Of the above claim(s) 16-31 and 38-46 is/are withdrawn from consideration.  5) Claim(s) is/are allowed.  6) Claim(s) 1-15 and 32-37 is/are rejected.  7) Claim(s) is/are objected to.  8) Claim(s) are subject to restriction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some cill None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No.  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.	Status								
2a)  This action is FINAL. 2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-46 is/are pending in the application.  4a) Of the above claim(s) 16-31 and 38-46 is/are withdrawn from consideration.  5) Claim(s) is/are allowed.  6) Claim(s) 1-15 and 32-37 is/are rejected.  7) Claim(s) is/are objected to.  8) Claim(s) are subject to restriction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some cill None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No.  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.	1) 又	Responsive to communication(s) filed or	n 25 May 2006.						
closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)  Claim(s) 1-46 is/are pending in the application. 4a) Of the above claim(s) 16-31 and 38-46 is/are withdrawn from consideration.  5)  Claim(s)	•			final.					
4) Claim(s) 1-46 is/are pending in the application.  4a) Of the above claim(s) 16-31 and 38-46 is/are withdrawn from consideration.  5) Claim(s) is/are allowed.  6) Claim(s) 1-15 and 32-37 is/are rejected.  7) Claim(s) is/are objected to.  8) Claim(s) are subject to restriction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.	3)□	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is							
4a) Of the above claim(s) 16-31 and 38-46 is/are withdrawn from consideration.  5) □ Claim(s) is/are allowed.  6) □ Claim(s) 1-15 and 32-37 is/are rejected.  7) □ Claim(s) is/are objected to.  8) □ Claim(s) are subject to restriction and/or election requirement.  Application Papers  9) □ The specification is objected to by the Examiner.  10) □ The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) □ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) □ All b) □ Some * c) □ None of:  1. □ Certified copies of the priority documents have been received.  2. □ Certified copies of the priority documents have been received in Application No  3. □ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.	Dispositi	on of Claims							
9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some *c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No.  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.	5)□ 6)⊠ 7)□	4a) Of the above claim(s) <u>16-31 and 38-</u> Claim(s) is/are allowed. Claim(s) <u>1-15 and 32-37</u> is/are rejected. Claim(s) is/are objected to.	<u>46</u> is/are withdrawn f						
<ul> <li>10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).</li> <li>11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.</li> <li>Priority under 35 U.S.C. § 119</li> <li>12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</li> <li>a) All b) Some c) None of:</li> <li>1. Certified copies of the priority documents have been received.</li> <li>2. Certified copies of the priority documents have been received in Application No</li> <li>3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> <li>* See the attached detailed Office action for a list of the certified copies not received.</li> </ul>	Applicati	on Papers							
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some coll None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No.  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.	9)[	The specification is objected to by the Ex	aminer.						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.	10)	The drawing(s) filed on is/are: a)[	accepted or b)	objected to by the f	Examiner.				
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some col None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No.  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.		Applicant may not request that any objection	to the drawing(s) be h	eld in abeyance. See	e 37 CFR 1.85(a).				
Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.									
<ul> <li>12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</li> <li>a) All b) Some * c) None of:</li> <li>1. Certified copies of the priority documents have been received.</li> <li>2. Certified copies of the priority documents have been received in Application No.</li> <li>3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> <li>* See the attached detailed Office action for a list of the certified copies not received.</li> </ul>	11)	The oath or declaration is objected to by	the Examiner. Note	ine attached Office	Action or form P	10-152.			
<ul> <li>a) All b) Some * c) None of:</li> <li>1. Certified copies of the priority documents have been received.</li> <li>2. Certified copies of the priority documents have been received in Application No</li> <li>3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> <li>* See the attached detailed Office action for a list of the certified copies not received.</li> </ul>	Priority ι	ınder 35 U.S.C. § 119							
Attachment(s)	a)l	All b) Some * c) None of:  1. Certified copies of the priority doc  2. Certified copies of the priority doc  3. Copies of the certified copies of the application from the International	uments have been re uments have been re le priority documents Bureau (PCT Rule 1	eceived. eceived in Applicati s have been receive 7.2(a)).	on No ed in this National	Stage			
	Attachmen	t(s)							
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 5-04-05;5-2-06. 4) Interview Summary (PTO-413) Paper No(s)/Mail Date  5) Notice of Informal Patent Application (PTO-152) 6) Other:	2) 🔲 Notic 3) 🔯 Inforr	e of Draftsperson's Patent Drawing Review (PTO-S nation Disclosure Statement(s) (PTO-1449 or PTO	948) /SB/08) 5)	Paper No(s)/Mail Da  Notice of Informal P	ate	O-152)			

1.Applicant's election of group I in the reply filed on 5-25-06 is acknowledged.

Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). The restriction is repeated and made final.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
- 2. Claims 1-9, 11-15 and 32-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Neisser et al. '547. Neisser et al. (paragraphs 36-48, ex. 2-6) discloses antireflection layers comprising bases of amine compounds and sulfonium hydroxide. The solubility requirements set forth in the instant claims are relative to an undefined solvent so that any basic compounds insoluble in some solvent would be included as solvents covered by the instant claims.

The applied reference has a common inventor with the instant application.

Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in

Art Unit: 1752

the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

- 3. Claims 1-15 and 32-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Mizutani et al.'869. Mizutani et al. (col. 2, lines 41-60; col. 4, lines 33-49; col. 28, lines 61-65; col. 30, lines 10-14; claim 5) discloses antireflection layers comprising polymers and basic compounds including guanamine which is a substituted purine as set forth in instant claim 10.
- 4. Claims 1-15 and 32-37 are rejected under 35 U.S.C. 102(b) as being anticipated by Pawlowski et al. '750. Pawlowski et al. (col. 5, lines 53-65; col. 10, lines 44-65; claim 9) discloses antireflection layers comprising polymers and uracil crosslinkers included as basic compounds in instant claim 10.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5.Claims 1-15 and 32-37 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for polymer containing antireflection layers, does not reasonably provide enablement for antireflection layers with only basic compounds. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention commensurate in scope with these claims. Polymers are necessary as binders for the layers to bind the basic compounds and as radiation absorbers for antireflection or as binders for radiation absorbers.

Application/Control Number: 10/677,318 Page 4

Art Unit: 1752

6.Pavelchek et al.( para. 20-24,40 ) is cited of interest as disclosing antireflection layers with amines and basic crosslinkers.

Any inquiry concerning this communication should be directed to Richard L. Schilling at telephone number 571-272-1335.

PRIMARY EXAMINER
GROUP 1190

RICHARD L. SCHILLING PRIMARY EXAMINER

GROUP 1460- 1752